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about 10 to about 300 milliWatt/cm² is generated at a distance of about one-half to about two inches from said concave surface.

43. An assembly comprising:
a light base; and,
one or more light-generating devices positioned on said light base, each of which is arranged to generate a lobe of light, said lobes combining such that light output of substantially uniform intensity of about 10 to about 300 milliWatt/cm² is generated on a surface at a distance of about one-half to about two inches from said light-generating devices.

REMARKS

Claims 1 and 6-51 are pending. Claims 49-51 are allowed. Claims 1 and 6-48 are rejected. Claims 1, 38 and 43 have been amended herein.

Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claims 1 and 6-48 under 35 U.S.C. § 112, first paragraph, asserting that they contain new matter in that the claimed range of distance of one-half to about 3 inches was not in the disclosure as originally filed.

Applicants respectfully disagree with the Examiner, and submit that the claimed range of distance of one-half to about 3 inches is reasonably within the disclosure as filed. However, in order to expedite allowance of the application, Applicants have amended claims 1, 38 and 43 to read "a distance of about one-half to about two inches from said light-generating devices." Support for the amendment may be found, for example, on page 20 lines 8 and 9 of the application as filed. Applicants submit that the amendment moots the Examiner's rejections under 35 U.S.C. § 112, first paragraph. Accordingly, Applicants request reconsideration and withdrawal of the new matter rejections.

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Additionally, to make the rejected independent claims more consistent with allowed independent claim 49, Applicants have amended the rejected claims to change "plurality" to "one ore more," as used in claim 49.

Rejections Under 35 USC § 103(a)

The Examiner asserted that "[t]he prior art rejections are based solely on not giving the new matter patentable weight." (Office Action of 06 May 2002, page 5). Applicants herein have amended claims 1, 38 and 43 to remove the asserted new matter. Accordingly, Applicants request that the art rejections be reconsidered and withdrawn, and submit that the application is in condition for allowance. Nevertheless, Applicants herein address the Examiner's art rejections.

The Examiner rejected claims 1, 6-19, 24-26, 29, 32-34, 38, 40, and 42-46 as unpatentable over Jensen et al. (WO 99/37236), asserting that Jensen et al. discloses a light base with a curved surface and a plurality of light-generating devices that emit visible light, wherein the light will inherently overlap and form a combined field of relatively uniform intensity, that the specific intensity range is an obvious matter of choice, and that the type of light generating device is an obvious matter of choice.

The Examiner rejected claims 20-23 as unpatentable over Jensen et al. in view of Kipke et al. (US 5,487,662), asserting that while Jensen et al. does not disclose LEDs, Kipke discloses use of LEDs, concluding that it would be obvious to modify Jensen et al. and Kipke et al. "in order to place the source in the desired location."

The Examiner rejected claims 27, 28, 39, 41, 47 and 48 as unpatentable over Jensen et al. in view of Kipke et al. and further in view of Kennedy (US 5,634,711), asserting that although Jensen et al. and Kipke et al. do not disclose a fan or blue light, Kennedy discloses a fan and blue light and it would be obvious to modify Jensen et al. and Kipke et al. with the fan and light of Kennedy.

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The Examiner rejected claims 30 and 31 as unpatentable over Jensen et al. in view of Rhoades (US 3,636,633), asserting that although Jensen et al. does not disclose positioning means, Rhoades discloses positioning means in the form of a bite block and that it would be obvious to combine Jensen et al. and Rhoades to position the device in the desired location.

The Examiner rejected claim 35 as upatentable over Jensen et al. in view of Nikodem (US 5,813,854), asserting that although Jensen et al. does not disclose a flexible base, Nikodem discloses a flexible base and that it would be obvious to combine Jensen et al. and Nikodem "in order to position change the shape as desired."

The Examiner rejected claims 36 and 37 as unpatentable over Jensen et al. in view of Cipolla (US 5,879,159), asserting that although Jensen et al. does not disclose a device with filters, Cipolla discloses a filter and that it would be obvious to combine Jensen et al. and Cipolla to include the use of a filter.

Applicants respectfully disagree with the Examiner with respect to each and every art rejection. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not be based on Applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants submit that the Examiner has failed to set forth a prima facie case of obviousness based on Jensen et al., Kipke et al., Rhoades, Nikodem, or Cipolla, alone or in any combination with one another. Applicants submit that the Examiner has not indicated which passage(s), in any of the cited references, states the motivation to modify any of the cited references with any other cited reference. Applicants submit that the Examiner has failed to establish that these references, alone or in any combination with one another, teach

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or suggest all the claim limitations. Further, Applicants submit that the Examiner has not established that any of the cited references, alone or in any combination with one another, discloses an assembly comprising a light base and one or more light-generating devices positioned on said light base, each of which is arranged to generate a lobe of light, said lobes combining such that light output of substantially uniform intensity of about 10 to about 300 milliWatt/cm² is generated on a surface at a distance of about one-half to about two inches from said light-generating devices. Accordingly, Applicants request reconsideration and withdrawal of the rejections based on the cited references.

Applicants submit that, in light of the claim amendments and arguments above, independent claims 1, 37 and 43, and dependent claims 2-37, 39-42 and 43-48 are patentable over the cited references. Accordingly, Applicants request reconsideration and withdrawal of the rejections based on the cited references.

Conclusion

In light of Applicants' amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. If there are any questions relating to the present application, the Examiner is respectfully invited to contact Applicants' attorney at the telephone number below. No fee, other than the fee for the three-month extension of time, is believed to be necessary. If any additional fee is required, or overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

Respectfully submitted,
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